



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5745

Introduced 2/9/2010, by Rep. Angelo Saviano

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/9-1	from Ch. 38, par. 9-1
720 ILCS 5/12-2	from Ch. 38, par. 12-2
720 ILCS 5/12-4	
720 ILCS 5/12-4.2	from Ch. 38, par. 12-4.2
720 ILCS 5/12-4.2-5	
720 ILCS 5/24-1.2	from Ch. 38, par. 24-1.2
720 ILCS 5/24-1.2-5	

Amends the Criminal Code of 1961. Provides for enhanced penalties for murdering, assaulting, battering, or discharging a firearm or machine gun at a physician, physician assistant, nurse, or advanced practice nurse when the defendant knows such person's status.

LRB096 18041 RLC 33413 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing  
5 Sections 9-1, 12-2, 12-4, 12-4.2, 12-4.2-5, 24-1.2, and  
6 24-1.2-5 as follows:

7 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

8 Sec. 9-1. First degree Murder - Death penalties -  
9 Exceptions - Separate Hearings - Proof - Findings - Appellate  
10 procedures - Reversals.

11 (a) A person who kills an individual without lawful  
12 justification commits first degree murder if, in performing the  
13 acts which cause the death:

14 (1) he either intends to kill or do great bodily harm  
15 to that individual or another, or knows that such acts will  
16 cause death to that individual or another; or

17 (2) he knows that such acts create a strong probability  
18 of death or great bodily harm to that individual or  
19 another; or

20 (3) he is attempting or committing a forcible felony  
21 other than second degree murder.

22 (b) Aggravating Factors. A defendant who at the time of the  
23 commission of the offense has attained the age of 18 or more

1 and who has been found guilty of first degree murder may be  
2 sentenced to death if:

3 (1) the murdered individual was a peace officer or  
4 fireman killed in the course of performing his official  
5 duties, to prevent the performance of his official duties,  
6 or in retaliation for performing his official duties, and  
7 the defendant knew or should have known that the murdered  
8 individual was a peace officer or fireman; or

9 (2) the murdered individual was an employee of an  
10 institution or facility of the Department of Corrections,  
11 or any similar local correctional agency, killed in the  
12 course of performing his official duties, to prevent the  
13 performance of his official duties, or in retaliation for  
14 performing his official duties, or the murdered individual  
15 was an inmate at such institution or facility and was  
16 killed on the grounds thereof, or the murdered individual  
17 was otherwise present in such institution or facility with  
18 the knowledge and approval of the chief administrative  
19 officer thereof; or

20 (3) the defendant has been convicted of murdering two  
21 or more individuals under subsection (a) of this Section or  
22 under any law of the United States or of any state which is  
23 substantially similar to subsection (a) of this Section  
24 regardless of whether the deaths occurred as the result of  
25 the same act or of several related or unrelated acts so  
26 long as the deaths were the result of either an intent to

1 kill more than one person or of separate acts which the  
2 defendant knew would cause death or create a strong  
3 probability of death or great bodily harm to the murdered  
4 individual or another; or

5 (4) the murdered individual was killed as a result of  
6 the hijacking of an airplane, train, ship, bus or other  
7 public conveyance; or

8 (5) the defendant committed the murder pursuant to a  
9 contract, agreement or understanding by which he was to  
10 receive money or anything of value in return for committing  
11 the murder or procured another to commit the murder for  
12 money or anything of value; or

13 (6) the murdered individual was killed in the course of  
14 another felony if:

15 (a) the murdered individual:

16 (i) was actually killed by the defendant, or

17 (ii) received physical injuries personally  
18 inflicted by the defendant substantially  
19 contemporaneously with physical injuries caused by  
20 one or more persons for whose conduct the defendant  
21 is legally accountable under Section 5-2 of this  
22 Code, and the physical injuries inflicted by  
23 either the defendant or the other person or persons  
24 for whose conduct he is legally accountable caused  
25 the death of the murdered individual; and

26 (b) in performing the acts which caused the death

1 of the murdered individual or which resulted in  
2 physical injuries personally inflicted by the  
3 defendant on the murdered individual under the  
4 circumstances of subdivision (ii) of subparagraph (a)  
5 of paragraph (6) of subsection (b) of this Section, the  
6 defendant acted with the intent to kill the murdered  
7 individual or with the knowledge that his acts created  
8 a strong probability of death or great bodily harm to  
9 the murdered individual or another; and

10 (c) the other felony was an inherently violent  
11 crime or the attempt to commit an inherently violent  
12 crime. In this subparagraph (c), "inherently violent  
13 crime" includes, but is not limited to, armed robbery,  
14 robbery, predatory criminal sexual assault of a child,  
15 aggravated criminal sexual assault, aggravated  
16 kidnapping, aggravated vehicular hijacking, aggravated  
17 arson, aggravated stalking, residential burglary, and  
18 home invasion; or

19 (7) the murdered individual was under 12 years of age  
20 and the death resulted from exceptionally brutal or heinous  
21 behavior indicative of wanton cruelty; or

22 (8) the defendant committed the murder with intent to  
23 prevent the murdered individual from testifying or  
24 participating in any criminal investigation or prosecution  
25 or giving material assistance to the State in any  
26 investigation or prosecution, either against the defendant

1 or another; or the defendant committed the murder because  
2 the murdered individual was a witness in any prosecution or  
3 gave material assistance to the State in any investigation  
4 or prosecution, either against the defendant or another;  
5 for purposes of this paragraph (8), "participating in any  
6 criminal investigation or prosecution" is intended to  
7 include those appearing in the proceedings in any capacity  
8 such as trial judges, prosecutors, defense attorneys,  
9 investigators, witnesses, or jurors; or

10 (9) the defendant, while committing an offense  
11 punishable under Sections 401, 401.1, 401.2, 405, 405.2,  
12 407 or 407.1 or subsection (b) of Section 404 of the  
13 Illinois Controlled Substances Act, or while engaged in a  
14 conspiracy or solicitation to commit such offense,  
15 intentionally killed an individual or counseled,  
16 commanded, induced, procured or caused the intentional  
17 killing of the murdered individual; or

18 (10) the defendant was incarcerated in an institution  
19 or facility of the Department of Corrections at the time of  
20 the murder, and while committing an offense punishable as a  
21 felony under Illinois law, or while engaged in a conspiracy  
22 or solicitation to commit such offense, intentionally  
23 killed an individual or counseled, commanded, induced,  
24 procured or caused the intentional killing of the murdered  
25 individual; or

26 (11) the murder was committed in a cold, calculated and

1 premeditated manner pursuant to a preconceived plan,  
2 scheme or design to take a human life by unlawful means,  
3 and the conduct of the defendant created a reasonable  
4 expectation that the death of a human being would result  
5 therefrom; or

6 (12) the murdered individual was an emergency medical  
7 technician - ambulance, emergency medical technician -  
8 intermediate, emergency medical technician - paramedic,  
9 ambulance driver, physician, physician assistant, nurse,  
10 advanced practice nurse, or other medical assistance or  
11 first aid personnel, employed by a municipality or other  
12 governmental unit, killed in the course of performing his  
13 official duties, to prevent the performance of his official  
14 duties, or in retaliation for performing his official  
15 duties, and the defendant knew or should have known that  
16 the murdered individual was an emergency medical  
17 technician - ambulance, emergency medical technician -  
18 intermediate, emergency medical technician - paramedic,  
19 ambulance driver, physician, physician assistant, nurse,  
20 advanced practice nurse, or other medical assistance or  
21 first aid personnel; or

22 (13) the defendant was a principal administrator,  
23 organizer, or leader of a calculated criminal drug  
24 conspiracy consisting of a hierarchical position of  
25 authority superior to that of all other members of the  
26 conspiracy, and the defendant counseled, commanded,

1 induced, procured, or caused the intentional killing of the  
2 murdered person; or

3 (14) the murder was intentional and involved the  
4 infliction of torture. For the purpose of this Section  
5 torture means the infliction of or subjection to extreme  
6 physical pain, motivated by an intent to increase or  
7 prolong the pain, suffering or agony of the victim; or

8 (15) the murder was committed as a result of the  
9 intentional discharge of a firearm by the defendant from a  
10 motor vehicle and the victim was not present within the  
11 motor vehicle; or

12 (16) the murdered individual was 60 years of age or  
13 older and the death resulted from exceptionally brutal or  
14 heinous behavior indicative of wanton cruelty; or

15 (17) the murdered individual was a disabled person and  
16 the defendant knew or should have known that the murdered  
17 individual was disabled. For purposes of this paragraph  
18 (17), "disabled person" means a person who suffers from a  
19 permanent physical or mental impairment resulting from  
20 disease, an injury, a functional disorder, or a congenital  
21 condition that renders the person incapable of adequately  
22 providing for his or her own health or personal care; or

23 (18) the murder was committed by reason of any person's  
24 activity as a community policing volunteer or to prevent  
25 any person from engaging in activity as a community  
26 policing volunteer; or

1           (19) the murdered individual was subject to an order of  
2 protection and the murder was committed by a person against  
3 whom the same order of protection was issued under the  
4 Illinois Domestic Violence Act of 1986; or

5           (20) the murdered individual was known by the defendant  
6 to be a teacher or other person employed in any school and  
7 the teacher or other employee is upon the grounds of a  
8 school or grounds adjacent to a school, or is in any part  
9 of a building used for school purposes; or

10           (21) the murder was committed by the defendant in  
11 connection with or as a result of the offense of terrorism  
12 as defined in Section 29D-14.9 of this Code.

13           (c) Consideration of factors in Aggravation and  
14 Mitigation.

15           The court shall consider, or shall instruct the jury to  
16 consider any aggravating and any mitigating factors which are  
17 relevant to the imposition of the death penalty. Aggravating  
18 factors may include but need not be limited to those factors  
19 set forth in subsection (b). Mitigating factors may include but  
20 need not be limited to the following:

21           (1) the defendant has no significant history of prior  
22 criminal activity;

23           (2) the murder was committed while the defendant was  
24 under the influence of extreme mental or emotional  
25 disturbance, although not such as to constitute a defense  
26 to prosecution;



1           C. the court for good cause shown discharges the  
2           jury that determined the defendant's guilt; or

3           (3) before the court alone if the defendant waives a  
4           jury for the separate proceeding.

5           (e) Evidence and Argument.

6           During the proceeding any information relevant to any of  
7           the factors set forth in subsection (b) may be presented by  
8           either the State or the defendant under the rules governing the  
9           admission of evidence at criminal trials. Any information  
10          relevant to any additional aggravating factors or any  
11          mitigating factors indicated in subsection (c) may be presented  
12          by the State or defendant regardless of its admissibility under  
13          the rules governing the admission of evidence at criminal  
14          trials. The State and the defendant shall be given fair  
15          opportunity to rebut any information received at the hearing.

16          (f) Proof.

17          The burden of proof of establishing the existence of any of  
18          the factors set forth in subsection (b) is on the State and  
19          shall not be satisfied unless established beyond a reasonable  
20          doubt.

21          (g) Procedure - Jury.

22          If at the separate sentencing proceeding the jury finds  
23          that none of the factors set forth in subsection (b) exists,  
24          the court shall sentence the defendant to a term of  
25          imprisonment under Chapter V of the Unified Code of  
26          Corrections. If there is a unanimous finding by the jury that

1 one or more of the factors set forth in subsection (b) exist,  
2 the jury shall consider aggravating and mitigating factors as  
3 instructed by the court and shall determine whether the  
4 sentence of death shall be imposed. If the jury determines  
5 unanimously, after weighing the factors in aggravation and  
6 mitigation, that death is the appropriate sentence, the court  
7 shall sentence the defendant to death. If the court does not  
8 concur with the jury determination that death is the  
9 appropriate sentence, the court shall set forth reasons in  
10 writing including what facts or circumstances the court relied  
11 upon, along with any relevant documents, that compelled the  
12 court to non-concur with the sentence. This document and any  
13 attachments shall be part of the record for appellate review.  
14 The court shall be bound by the jury's sentencing  
15 determination.

16 If after weighing the factors in aggravation and  
17 mitigation, one or more jurors determines that death is not the  
18 appropriate sentence, the court shall sentence the defendant to  
19 a term of imprisonment under Chapter V of the Unified Code of  
20 Corrections.

21 (h) Procedure - No Jury.

22 In a proceeding before the court alone, if the court finds  
23 that none of the factors found in subsection (b) exists, the  
24 court shall sentence the defendant to a term of imprisonment  
25 under Chapter V of the Unified Code of Corrections.

26 If the Court determines that one or more of the factors set

1     forth in subsection (b) exists, the Court shall consider any  
2     aggravating and mitigating factors as indicated in subsection  
3     (c). If the Court determines, after weighing the factors in  
4     aggravation and mitigation, that death is the appropriate  
5     sentence, the Court shall sentence the defendant to death.

6             If the court finds that death is not the appropriate  
7     sentence, the court shall sentence the defendant to a term of  
8     imprisonment under Chapter V of the Unified Code of  
9     Corrections.

10            (h-5) Decertification as a capital case.

11            In a case in which the defendant has been found guilty of  
12     first degree murder by a judge or jury, or a case on remand for  
13     resentencing, and the State seeks the death penalty as an  
14     appropriate sentence, on the court's own motion or the written  
15     motion of the defendant, the court may decertify the case as a  
16     death penalty case if the court finds that the only evidence  
17     supporting the defendant's conviction is the uncorroborated  
18     testimony of an informant witness, as defined in Section 115-21  
19     of the Code of Criminal Procedure of 1963, concerning the  
20     confession or admission of the defendant or that the sole  
21     evidence against the defendant is a single eyewitness or single  
22     accomplice without any other corroborating evidence. If the  
23     court decertifies the case as a capital case under either of  
24     the grounds set forth above, the court shall issue a written  
25     finding. The State may pursue its right to appeal the  
26     decertification pursuant to Supreme Court Rule 604(a)(1). If

1 the court does not decertify the case as a capital case, the  
2 matter shall proceed to the eligibility phase of the sentencing  
3 hearing.

4 (i) Appellate Procedure.

5 The conviction and sentence of death shall be subject to  
6 automatic review by the Supreme Court. Such review shall be in  
7 accordance with rules promulgated by the Supreme Court. The  
8 Illinois Supreme Court may overturn the death sentence, and  
9 order the imposition of imprisonment under Chapter V of the  
10 Unified Code of Corrections if the court finds that the death  
11 sentence is fundamentally unjust as applied to the particular  
12 case. If the Illinois Supreme Court finds that the death  
13 sentence is fundamentally unjust as applied to the particular  
14 case, independent of any procedural grounds for relief, the  
15 Illinois Supreme Court shall issue a written opinion explaining  
16 this finding.

17 (j) Disposition of reversed death sentence.

18 In the event that the death penalty in this Act is held to  
19 be unconstitutional by the Supreme Court of the United States  
20 or of the State of Illinois, any person convicted of first  
21 degree murder shall be sentenced by the court to a term of  
22 imprisonment under Chapter V of the Unified Code of  
23 Corrections.

24 In the event that any death sentence pursuant to the  
25 sentencing provisions of this Section is declared  
26 unconstitutional by the Supreme Court of the United States or

1 of the State of Illinois, the court having jurisdiction over a  
2 person previously sentenced to death shall cause the defendant  
3 to be brought before the court, and the court shall sentence  
4 the defendant to a term of imprisonment under Chapter V of the  
5 Unified Code of Corrections.

6 (k) Guidelines for seeking the death penalty.

7 The Attorney General and State's Attorneys Association  
8 shall consult on voluntary guidelines for procedures governing  
9 whether or not to seek the death penalty. The guidelines do not  
10 have the force of law and are only advisory in nature.

11 (Source: P.A. 96-710, eff. 1-1-10.)

12 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

13 Sec. 12-2. Aggravated assault.

14 (a) A person commits an aggravated assault, when, in  
15 committing an assault, he:

16 (1) Uses a deadly weapon, an air rifle as defined in  
17 the Air Rifle Act, or any device manufactured and designed  
18 to be substantially similar in appearance to a firearm,  
19 other than by discharging a firearm in the direction of  
20 another person, a peace officer, a person summoned or  
21 directed by a peace officer, a correctional officer, a  
22 private security officer, or a fireman or in the direction  
23 of a vehicle occupied by another person, a peace officer, a  
24 person summoned or directed by a peace officer, a  
25 correctional officer, a private security officer, or a

1 fireman while the officer or fireman is engaged in the  
2 execution of any of his official duties, or to prevent the  
3 officer or fireman from performing his official duties, or  
4 in retaliation for the officer or fireman performing his  
5 official duties;

6 (2) Is hooded, robed or masked in such manner as to  
7 conceal his identity or any device manufactured and  
8 designed to be substantially similar in appearance to a  
9 firearm;

10 (3) Knows the individual assaulted to be a teacher or  
11 other person employed in any school and such teacher or  
12 other employee is upon the grounds of a school or grounds  
13 adjacent thereto, or is in any part of a building used for  
14 school purposes;

15 (4) Knows the individual assaulted to be a supervisor,  
16 director, instructor or other person employed in any park  
17 district and such supervisor, director, instructor or  
18 other employee is upon the grounds of the park or grounds  
19 adjacent thereto, or is in any part of a building used for  
20 park purposes;

21 (5) Knows the individual assaulted to be a caseworker,  
22 investigator, or other person employed by the Department of  
23 Healthcare and Family Services (formerly State Department  
24 of Public Aid), a County Department of Public Aid, or the  
25 Department of Human Services (acting as successor to the  
26 Illinois Department of Public Aid under the Department of

1 Human Services Act) and such caseworker, investigator, or  
2 other person is upon the grounds of a public aid office or  
3 grounds adjacent thereto, or is in any part of a building  
4 used for public aid purposes, or upon the grounds of a home  
5 of a public aid applicant, recipient or any other person  
6 being interviewed or investigated in the employee's  
7 ~~employees'~~ discharge of his duties, or on grounds adjacent  
8 thereto, or is in any part of a building in which the  
9 applicant, recipient, or other such person resides or is  
10 located;

11 (6) Knows the individual assaulted to be a peace  
12 officer, a community policing volunteer, a private  
13 security officer, or a fireman while the officer or fireman  
14 is engaged in the execution of any of his official duties,  
15 or to prevent the officer, community policing volunteer, or  
16 fireman from performing his official duties, or in  
17 retaliation for the officer, community policing volunteer,  
18 or fireman performing his official duties, and the assault  
19 is committed other than by the discharge of a firearm in  
20 the direction of the officer or fireman or in the direction  
21 of a vehicle occupied by the officer or fireman;

22 (7) Knows the individual assaulted to be an emergency  
23 medical technician - ambulance, emergency medical  
24 technician - intermediate, emergency medical technician -  
25 paramedic, ambulance driver, physician, physician  
26 assistant, nurse, advanced practice nurse, or other

1 medical assistance or first aid personnel engaged in the  
2 execution of any of his official duties, or to prevent the  
3 emergency medical technician - ambulance, emergency  
4 medical technician - intermediate, emergency medical  
5 technician - paramedic, ambulance driver, physician,  
6 physician assistant, nurse, advanced practice nurse, or  
7 other medical assistance or first aid personnel from  
8 performing his official duties, or in retaliation for the  
9 emergency medical technician - ambulance, emergency  
10 medical technician - intermediate, emergency medical  
11 technician - paramedic, ambulance driver, physician,  
12 physician assistant, nurse, advanced practice nurse, or  
13 other medical assistance or first aid personnel performing  
14 his official duties;

15 (8) Knows the individual assaulted to be the driver,  
16 operator, employee or passenger of any transportation  
17 facility or system engaged in the business of  
18 transportation of the public for hire and the individual  
19 assaulted is then performing in such capacity or then using  
20 such public transportation as a passenger or using any area  
21 of any description designated by the transportation  
22 facility or system as a vehicle boarding, departure, or  
23 transfer location;

24 (9) Or the individual assaulted is on or about a public  
25 way, public property, or public place of accommodation or  
26 amusement;

1           (9.5) Is, or the individual assaulted is, in or about a  
2 publicly or privately owned sports or entertainment arena,  
3 stadium, community or convention hall, special event  
4 center, amusement facility, or a special event center in a  
5 public park during any 24-hour period when a professional  
6 sporting event, National Collegiate Athletic Association  
7 (NCAA)-sanctioned sporting event, United States Olympic  
8 Committee-sanctioned sporting event, or International  
9 Olympic Committee-sanctioned sporting event is taking  
10 place in this venue;

11           (10) Knows the individual assaulted to be an employee  
12 of the State of Illinois, a municipal corporation therein  
13 or a political subdivision thereof, engaged in the  
14 performance of his authorized duties as such employee;

15           (11) Knowingly and without legal justification,  
16 commits an assault on a physically handicapped person;

17           (12) Knowingly and without legal justification,  
18 commits an assault on a person 60 years of age or older;

19           (13) Discharges a firearm, other than from a motor  
20 vehicle;

21           (13.5) Discharges a firearm from a motor vehicle;

22           (14) Knows the individual assaulted to be a  
23 correctional officer, while the officer is engaged in the  
24 execution of any of his or her official duties, or to  
25 prevent the officer from performing his or her official  
26 duties, or in retaliation for the officer performing his or

1 her official duties;

2 (15) Knows the individual assaulted to be a  
3 correctional employee or an employee of the Department of  
4 Human Services supervising or controlling sexually  
5 dangerous persons or sexually violent persons, while the  
6 employee is engaged in the execution of any of his or her  
7 official duties, or to prevent the employee from performing  
8 his or her official duties, or in retaliation for the  
9 employee performing his or her official duties, and the  
10 assault is committed other than by the discharge of a  
11 firearm in the direction of the employee or in the  
12 direction of a vehicle occupied by the employee;

13 (16) Knows the individual assaulted to be an employee  
14 of a police or sheriff's department, or a person who is  
15 employed by a municipality and whose duties include traffic  
16 control, engaged in the performance of his or her official  
17 duties as such employee;

18 (17) Knows the individual assaulted to be a sports  
19 official or coach at any level of competition and the act  
20 causing the assault to the sports official or coach  
21 occurred within an athletic facility or an indoor or  
22 outdoor playing field or within the immediate vicinity of  
23 the athletic facility or an indoor or outdoor playing field  
24 at which the sports official or coach was an active  
25 participant in the athletic contest held at the athletic  
26 facility. For the purposes of this paragraph (17), "sports

1       official" means a person at an athletic contest who  
2       enforces the rules of the contest, such as an umpire or  
3       referee; and "coach" means a person recognized as a coach  
4       by the sanctioning authority that conducted the athletic  
5       contest;

6               (18) Knows the individual assaulted to be an emergency  
7       management worker, while the emergency management worker  
8       is engaged in the execution of any of his or her official  
9       duties, or to prevent the emergency management worker from  
10      performing his or her official duties, or in retaliation  
11      for the emergency management worker performing his or her  
12      official duties, and the assault is committed other than by  
13      the discharge of a firearm in the direction of the  
14      emergency management worker or in the direction of a  
15      vehicle occupied by the emergency management worker; or

16              (19) Knows the individual assaulted to be a utility  
17      worker, while the utility worker is engaged in the  
18      execution of his or her duties, or to prevent the utility  
19      worker from performing his or her duties, or in retaliation  
20      for the utility worker performing his or her duties. In  
21      this paragraph (19), "utility worker" means a person  
22      employed by a public utility as defined in Section 3-105 of  
23      the Public Utilities Act and also includes an employee of a  
24      municipally owned utility, an employee of a cable  
25      television company, an employee of an electric cooperative  
26      as defined in Section 3-119 of the Public Utilities Act, an

1 independent contractor or an employee of an independent  
2 contractor working on behalf of a cable television company,  
3 public utility, municipally owned utility, or an electric  
4 cooperative, or an employee of a telecommunications  
5 carrier as defined in Section 13-202 of the Public  
6 Utilities Act, an independent contractor or an employee of  
7 an independent contractor working on behalf of a  
8 telecommunications carrier, or an employee of a telephone  
9 or telecommunications cooperative as defined in Section  
10 13-212 of the Public Utilities Act, or an independent  
11 contractor or an employee of an independent contractor  
12 working on behalf of a telephone or telecommunications  
13 cooperative.

14 (a-5) A person commits an aggravated assault when he or she  
15 knowingly and without lawful justification shines or flashes a  
16 laser gunsight or other laser device that is attached or  
17 affixed to a firearm, or used in concert with a firearm, so  
18 that the laser beam strikes near or in the immediate vicinity  
19 of any person.

20 (b) Sentence.

21 Aggravated assault as defined in paragraphs (1) through (5)  
22 and (8) through (12) and (17) and (19) of subsection (a) of  
23 this Section is a Class A misdemeanor. Aggravated assault as  
24 defined in paragraphs (13), (14), and (15) of subsection (a) of  
25 this Section and as defined in subsection (a-5) of this Section  
26 is a Class 4 felony. Aggravated assault as defined in

1 paragraphs (6), (7), (16), and (18) of subsection (a) of this  
2 Section is a Class A misdemeanor if a firearm is not used in  
3 the commission of the assault. Aggravated assault as defined in  
4 paragraphs (6), (7), (16), and (18) of subsection (a) of this  
5 Section is a Class 4 felony if a firearm is used in the  
6 commission of the assault. Aggravated assault as defined in  
7 paragraph (13.5) of subsection (a) is a Class 3 felony.

8 (c) For the purposes of paragraphs (1) and (6) of  
9 subsection (a), "private security officer" means a registered  
10 employee of a private security contractor agency under the  
11 Private Detective, Private Alarm, Private Security,  
12 Fingerprint Vendor, and Locksmith Act of 2004.

13 (Source: P.A. 95-236, eff. 1-1-08; 95-292, eff. 8-20-07;  
14 95-331, eff. 8-21-07; 95-429, eff. 1-1-08; 95-591, eff.  
15 9-10-07; 95-876, eff. 8-21-08; 96-201, eff. 8-10-09; revised  
16 11-4-09.)

17 (720 ILCS 5/12-4)

18 Sec. 12-4. Aggravated Battery.

19 (a) A person who, in committing a battery, intentionally or  
20 knowingly causes great bodily harm, or permanent disability or  
21 disfigurement commits aggravated battery.

22 (b) In committing a battery, a person commits aggravated  
23 battery if he or she:

24 (1) Uses a deadly weapon other than by the discharge of  
25 a firearm, or uses an air rifle as defined in the Air Rifle

1 Act;

2 (2) Is hooded, robed or masked, in such manner as to  
3 conceal his identity;

4 (3) Knows the individual harmed to be a teacher or  
5 other person employed in any school and such teacher or  
6 other employee is upon the grounds of a school or grounds  
7 adjacent thereto, or is in any part of a building used for  
8 school purposes;

9 (4) (Blank);

10 (5) (Blank);

11 (6) Knows the individual harmed to be a community  
12 policing volunteer while such volunteer is engaged in the  
13 execution of any official duties, or to prevent the  
14 volunteer from performing official duties, or in  
15 retaliation for the volunteer performing official duties,  
16 and the battery is committed other than by the discharge of  
17 a firearm;

18 (7) Knows the individual harmed to be an emergency  
19 medical technician - ambulance, emergency medical  
20 technician - intermediate, emergency medical technician -  
21 paramedic, ambulance driver, physician, physician  
22 assistant, nurse, advanced practice nurse, other medical  
23 assistance, first aid personnel, or hospital personnel  
24 engaged in the performance of any of his or her official  
25 duties, or to prevent the emergency medical technician -  
26 ambulance, emergency medical technician - intermediate,

1 emergency medical technician - paramedic, ambulance  
2 driver, physician, physician assistant, nurse, advanced  
3 practice nurse, other medical assistance, first aid  
4 personnel, or hospital personnel from performing official  
5 duties, or in retaliation for performing official duties;

6 (8) Is, or the person battered is, on or about a public  
7 way, public property or public place of accommodation or  
8 amusement;

9 (8.5) Is, or the person battered is, on a publicly or  
10 privately owned sports or entertainment arena, stadium,  
11 community or convention hall, special event center,  
12 amusement facility, or a special event center in a public  
13 park during any 24-hour period when a professional sporting  
14 event, National Collegiate Athletic Association  
15 (NCAA)-sanctioned sporting event, United States Olympic  
16 Committee-sanctioned sporting event, or International  
17 Olympic Committee-sanctioned sporting event is taking  
18 place in this venue;

19 (9) Knows the individual harmed to be the driver,  
20 operator, employee or passenger of any transportation  
21 facility or system engaged in the business of  
22 transportation of the public for hire and the individual  
23 assaulted is then performing in such capacity or then using  
24 such public transportation as a passenger or using any area  
25 of any description designated by the transportation  
26 facility or system as a vehicle boarding, departure, or

1 transfer location;

2 (10) Knows the individual harmed to be an individual of  
3 60 years of age or older;

4 (11) Knows the individual harmed is pregnant;

5 (12) Knows the individual harmed to be a judge whom the  
6 person intended to harm as a result of the judge's  
7 performance of his or her official duties as a judge;

8 (13) (Blank);

9 (14) Knows the individual harmed to be a person who is  
10 physically handicapped;

11 (15) Knowingly and without legal justification and by  
12 any means causes bodily harm to a merchant who detains the  
13 person for an alleged commission of retail theft under  
14 Section 16A-5 of this Code. In this item (15), "merchant"  
15 has the meaning ascribed to it in Section 16A-2.4 of this  
16 Code;

17 (16) Is, or the person battered is, in any building or  
18 other structure used to provide shelter or other services  
19 to victims or to the dependent children of victims of  
20 domestic violence pursuant to the Illinois Domestic  
21 Violence Act of 1986 or the Domestic Violence Shelters Act,  
22 or the person battered is within 500 feet of such a  
23 building or other structure while going to or from such a  
24 building or other structure. "Domestic violence" has the  
25 meaning ascribed to it in Section 103 of the Illinois  
26 Domestic Violence Act of 1986. "Building or other structure

1           used to provide shelter" has the meaning ascribed to  
2           "shelter" in Section 1 of the Domestic Violence Shelters  
3           Act;

4           (17) (Blank);

5           (18) Knows the individual harmed to be an officer or  
6           employee of the State of Illinois, a unit of local  
7           government, or school district engaged in the performance  
8           of his or her authorized duties as such officer or  
9           employee;

10          (19) Knows the individual harmed to be an emergency  
11          management worker engaged in the performance of any of his  
12          or her official duties, or to prevent the emergency  
13          management worker from performing official duties, or in  
14          retaliation for the emergency management worker performing  
15          official duties;

16          (20) Knows the individual harmed to be a private  
17          security officer engaged in the performance of any of his  
18          or her official duties, or to prevent the private security  
19          officer from performing official duties, or in retaliation  
20          for the private security officer performing official  
21          duties; or

22          (21) Knows the individual harmed to be a taxi driver  
23          and the battery is committed while the taxi driver is on  
24          duty; or

25          (22) Knows the individual harmed to be a utility  
26          worker, while the utility worker is engaged in the

1 execution of his or her duties, or to prevent the utility  
2 worker from performing his or her duties, or in retaliation  
3 for the utility worker performing his or her duties. In  
4 this paragraph (22), "utility worker" means a person  
5 employed by a public utility as defined in Section 3-105 of  
6 the Public Utilities Act and also includes an employee of a  
7 municipally owned utility, an employee of a cable  
8 television company, an employee of an electric cooperative  
9 as defined in Section 3-119 of the Public Utilities Act, an  
10 independent contractor or an employee of an independent  
11 contractor working on behalf of a cable television company,  
12 public utility, municipally owned utility, or an electric  
13 cooperative, or an employee of a telecommunications  
14 carrier as defined in Section 13-202 of the Public  
15 Utilities Act, an independent contractor or an employee of  
16 an independent contractor working on behalf of a  
17 telecommunications carrier, or an employee of a telephone  
18 or telecommunications cooperative as defined in Section  
19 13-212 of the Public Utilities Act, or an independent  
20 contractor or an employee of an independent contractor  
21 working on behalf of a telephone or telecommunications  
22 cooperative.

23 For the purpose of paragraph (14) of subsection (b) of this  
24 Section, a physically handicapped person is a person who  
25 suffers from a permanent and disabling physical  
26 characteristic, resulting from disease, injury, functional

1 disorder or congenital condition.

2 For the purpose of paragraph (20) of subsection (b) and  
3 subsection (e) of this Section, "private security officer"  
4 means a registered employee of a private security contractor  
5 agency under the Private Detective, Private Alarm, Private  
6 Security, Fingerprint Vendor, and Locksmith Act of 2004.

7 (c) A person who administers to an individual or causes him  
8 to take, without his consent or by threat or deception, and for  
9 other than medical purposes, any intoxicating, poisonous,  
10 stupefying, narcotic, anesthetic, or controlled substance  
11 commits aggravated battery.

12 (d) A person who knowingly gives to another person any food  
13 that contains any substance or object that is intended to cause  
14 physical injury if eaten, commits aggravated battery.

15 (d-3) A person commits aggravated battery when he or she  
16 knowingly and without lawful justification shines or flashes a  
17 laser gunsight or other laser device that is attached or  
18 affixed to a firearm, or used in concert with a firearm, so  
19 that the laser beam strikes upon or against the person of  
20 another.

21 (d-5) An inmate of a penal institution or a sexually  
22 dangerous person or a sexually violent person in the custody of  
23 the Department of Human Services who causes or attempts to  
24 cause a correctional employee of the penal institution or an  
25 employee of the Department of Human Services to come into  
26 contact with blood, seminal fluid, urine, or feces, by

1 throwing, tossing, or expelling that fluid or material commits  
2 aggravated battery. For purposes of this subsection (d-5),  
3 "correctional employee" means a person who is employed by a  
4 penal institution.

5 (d-6) A person commits aggravated battery when he or she,  
6 in committing a battery, strangles another individual. For the  
7 purposes of this subsection (d-6), "strangle" means  
8 intentionally impeding the normal breathing or circulation of  
9 the blood of an individual by applying pressure on the throat  
10 or neck of that individual or by blocking the nose or mouth of  
11 that individual.

12 (e) Sentence.

13 (1) Except as otherwise provided in paragraphs (2),  
14 (3), ~~and~~ (4), and (5) aggravated battery is a Class 3  
15 felony.

16 (2) Aggravated battery that does not cause great bodily  
17 harm or permanent disability or disfigurement is a Class 2  
18 felony when the person knows the individual harmed to be a  
19 peace officer, a community policing volunteer, a private  
20 security officer, a correctional institution employee, an  
21 employee of the Department of Human Services supervising or  
22 controlling sexually dangerous persons or sexually violent  
23 persons, or a fireman while such officer, volunteer,  
24 employee, or fireman is engaged in the execution of any  
25 official duties including arrest or attempted arrest, or to  
26 prevent the officer, volunteer, employee, or fireman from

1 performing official duties, or in retaliation for the  
2 officer, volunteer, employee, or fireman performing  
3 official duties, and the battery is committed other than by  
4 the discharge of a firearm.

5 (3) Aggravated battery that causes great bodily harm or  
6 permanent disability or disfigurement in violation of  
7 subsection (a) is a Class 1 felony when the person knows  
8 the individual harmed to be a peace officer, a community  
9 policing volunteer, a private security officer, a  
10 correctional institution employee, an employee of the  
11 Department of Human Services supervising or controlling  
12 sexually dangerous persons or sexually violent persons, or  
13 a fireman while such officer, volunteer, employee, or  
14 fireman is engaged in the execution of any official duties  
15 including arrest or attempted arrest, or to prevent the  
16 officer, volunteer, employee, or fireman from performing  
17 official duties, or in retaliation for the officer,  
18 volunteer, employee, or fireman performing official  
19 duties, and the battery is committed other than by the  
20 discharge of a firearm.

21 (4) Aggravated battery under subsection (d-5) is a  
22 Class 2 felony.

23 (5) Aggravated battery under subsection (d-6) is a  
24 Class 1 felony if:

25 (A) the person used or attempted to use a dangerous  
26 instrument while committing the offense; or

1 (B) the person caused great bodily harm or  
2 permanent disability or disfigurement to the other  
3 person while committing the offense; or

4 (C) the person has been previously convicted of a  
5 violation of subsection (d-6) under the laws of this  
6 State or laws similar to subsection (d-6) of any other  
7 state.

8 (6) ~~(5)~~ For purposes of this subsection (e), the term  
9 "firearm" shall have the meaning provided under Section 1.1  
10 of the Firearms Owners Identification Card Act, and shall  
11 not include an air rifle as defined by Section 1 of the Air  
12 Rifle Act.

13 (Source: P.A. 95-236, eff. 1-1-08; 95-256, eff. 1-1-08; 95-331,  
14 eff. 8-21-07; 95-429, eff. 1-1-08; 95-748, eff. 1-1-09; 95-876,  
15 eff. 8-21-08; 96-201, eff. 8-10-09; 96-363, eff. 8-13-09;  
16 revised 9-4-09.)

17 (720 ILCS 5/12-4.2) (from Ch. 38, par. 12-4.2)

18 Sec. 12-4.2. Aggravated Battery with a firearm.

19 (a) A person commits aggravated battery with a firearm when  
20 he, in committing a battery, knowingly or intentionally by  
21 means of the discharging of a firearm (1) causes any injury to  
22 another person, or (2) causes any injury to a person he knows  
23 to be a peace officer, a private security officer, a community  
24 policing volunteer, a correctional institution employee or a  
25 fireman while the officer, volunteer, employee or fireman is

1 engaged in the execution of any of his official duties, or to  
2 prevent the officer, volunteer, employee or fireman from  
3 performing his official duties, or in retaliation for the  
4 officer, volunteer, employee or fireman performing his  
5 official duties, or (3) causes any injury to a person he knows  
6 to be an emergency medical technician - ambulance, emergency  
7 medical technician - intermediate, emergency medical  
8 technician - paramedic, ambulance driver, physician, physician  
9 assistant, nurse, advanced practice nurse, or other medical  
10 assistance or first aid personnel, employed by a municipality  
11 or other governmental unit, while the emergency medical  
12 technician - ambulance, emergency medical technician -  
13 intermediate, emergency medical technician - paramedic,  
14 ambulance driver, or other medical assistance or first aid  
15 personnel is engaged in the execution of any of his official  
16 duties, or to prevent the emergency medical technician -  
17 ambulance, emergency medical technician - intermediate,  
18 emergency medical technician - paramedic, ambulance driver,  
19 physician, physician assistant, nurse, advanced practice  
20 nurse, or other medical assistance or first aid personnel from  
21 performing his official duties, or in retaliation for the  
22 emergency medical technician - ambulance, emergency medical  
23 technician - intermediate, emergency medical technician -  
24 paramedic, ambulance driver, physician, physician assistant,  
25 nurse, advanced practice nurse, or other medical assistance or  
26 first aid personnel performing his official duties, (4) causes

1 any injury to a person he or she knows to be a teacher or other  
2 person employed in a school or a student in a school and the  
3 teacher or other employee or student is upon grounds of a  
4 school or grounds adjacent to a school, or is in any part of a  
5 building used for school purposes, or (5) causes any injury to  
6 a person he or she knows to be an emergency management worker  
7 while the emergency management worker is engaged in the  
8 execution of any of his or her official duties, or to prevent  
9 the emergency management worker from performing his or her  
10 official duties, or in retaliation for the emergency management  
11 worker performing his or her official duties.

12 (b) A violation of subsection (a)(1) of this Section is a  
13 Class X felony. A violation of subsection (a)(2), subsection  
14 (a)(3), subsection (a)(4), subsection (a)(5) of this Section is  
15 a Class X felony for which the sentence shall be a term of  
16 imprisonment of no less than 15 years and no more than 60  
17 years.

18 (c) For purposes of this Section:

19 "Firearm" is defined as in the Firearm Owners  
20 Identification Card Act.

21 "Private security officer" means a registered employee  
22 of a private security contractor agency under the Private  
23 Detective, Private Alarm, Private Security, Fingerprint  
24 Vendor, and Locksmith Act of 2004.

25 (Source: P.A. 95-236, eff. 1-1-08; 96-41, eff. 1-1-10; 96-328,  
26 eff. 8-11-09.)

1 (720 ILCS 5/12-4.2-5)

2 Sec. 12-4.2-5. Aggravated battery with a machine gun or a  
3 firearm equipped with any device or attachment designed or used  
4 for silencing the report of a firearm.

5 (a) A person commits aggravated battery with a machine gun  
6 or a firearm equipped with a device designed or used for  
7 silencing the report of a firearm when he or she, in committing  
8 a battery, knowingly or intentionally by means of the  
9 discharging of a machine gun or a firearm equipped with a  
10 device designed or used for silencing the report of a firearm  
11 (1) causes any injury to another person, or (2) causes any  
12 injury to a person he or she knows to be a peace officer, a  
13 private security officer, a person summoned by a peace officer,  
14 a correctional institution employee or a fireman while the  
15 officer, employee or fireman is engaged in the execution of any  
16 of his or her official duties, or to prevent the officer,  
17 employee or fireman from performing his or her official duties,  
18 or in retaliation for the officer, employee or fireman  
19 performing his or her official duties, or (3) causes any injury  
20 to a person he or she knows to be an emergency medical  
21 technician - ambulance, emergency medical technician -  
22 intermediate, emergency medical technician - paramedic,  
23 ambulance driver, physician, physician assistant, nurse,  
24 advanced practice nurse, or other medical assistance or first  
25 aid personnel, employed by a municipality or other governmental

1 unit, while the emergency medical technician - ambulance,  
2 emergency medical technician - intermediate, emergency medical  
3 technician - paramedic, ambulance driver, physician, physician  
4 assistant, nurse, advanced practice nurse, or other medical  
5 assistance or first aid personnel is engaged in the execution  
6 of any of his or her official duties, or to prevent the  
7 emergency medical technician - ambulance, emergency medical  
8 technician - intermediate, emergency medical technician -  
9 paramedic, ambulance driver, physician, physician assistant,  
10 nurse, advanced practice nurse, or other medical assistance or  
11 first aid personnel from performing his or her official duties,  
12 or in retaliation for the emergency medical technician -  
13 ambulance, emergency medical technician - intermediate,  
14 emergency medical technician - paramedic, ambulance driver,  
15 physician, physician assistant, nurse, advanced practice  
16 nurse, or other medical assistance or first aid personnel  
17 performing his or her official duties, or (4) causes any injury  
18 to a person he or she knows to be an emergency management  
19 worker while the emergency management worker is engaged in the  
20 execution of any of his or her official duties, or to prevent  
21 the emergency management worker from performing his or her  
22 official duties, or in retaliation for the emergency management  
23 worker performing his or her official duties.

24 (b) A violation of subsection (a)(1) of this Section is a  
25 Class X felony for which the person shall be sentenced to a  
26 term of imprisonment of no less than 12 years and no more than

1 45 years. A violation of subsection (a)(2), subsection (a)(3),  
2 or subsection (a)(4) of this Section is a Class X felony for  
3 which the sentence shall be a term of imprisonment of no less  
4 than 20 years and no more than 60 years.

5 (c) For purposes of this Section, "firearm" is defined as  
6 in the Firearm Owners Identification Card Act.

7 (d) For purposes of this Section:

8 "Machine gun" has the meaning ascribed to it in clause  
9 (i) of paragraph (7) of subsection (a) of Section 24-1 of  
10 this Code.

11 "Private security officer" means a registered employee  
12 of a private security contractor agency under the Private  
13 Detective, Private Alarm, Private Security, Fingerprint  
14 Vendor, and Locksmith Act of 2004.

15 (Source: P.A. 95-236, eff. 1-1-08; 96-328, eff. 8-11-09.)

16 (720 ILCS 5/24-1.2) (from Ch. 38, par. 24-1.2)

17 Sec. 24-1.2. Aggravated discharge of a firearm.

18 (a) A person commits aggravated discharge of a firearm when  
19 he or she knowingly or intentionally:

20 (1) Discharges a firearm at or into a building he or  
21 she knows or reasonably should know to be occupied and the  
22 firearm is discharged from a place or position outside that  
23 building;

24 (2) Discharges a firearm in the direction of another  
25 person or in the direction of a vehicle he or she knows or

1 reasonably should know to be occupied by a person;

2 (3) Discharges a firearm in the direction of a person  
3 he or she knows to be a peace officer, a community policing  
4 volunteer, a correctional institution employee, or a  
5 fireman while the officer, volunteer, employee or fireman  
6 is engaged in the execution of any of his or her official  
7 duties, or to prevent the officer, volunteer, employee or  
8 fireman from performing his or her official duties, or in  
9 retaliation for the officer, volunteer, employee or  
10 fireman performing his or her official duties;

11 (4) Discharges a firearm in the direction of a vehicle  
12 he or she knows to be occupied by a peace officer, a person  
13 summoned or directed by a peace officer, a correctional  
14 institution employee or a fireman while the officer,  
15 employee or fireman is engaged in the execution of any of  
16 his or her official duties, or to prevent the officer,  
17 employee or fireman from performing his or her official  
18 duties, or in retaliation for the officer, employee or  
19 fireman performing his or her official duties;

20 (5) Discharges a firearm in the direction of a person  
21 he or she knows to be an emergency medical technician -  
22 ambulance, emergency medical technician - intermediate,  
23 emergency medical technician - paramedic, ambulance  
24 driver, physician, physician assistant, nurse, advanced  
25 practice nurse, or other medical assistance or first aid  
26 personnel, employed by a municipality or other

1 governmental unit, while the emergency medical technician  
2 - ambulance, emergency medical technician - intermediate,  
3 emergency medical technician - paramedic, ambulance  
4 driver, physician, physician assistant, nurse, advanced  
5 practice nurse, or other medical assistance or first aid  
6 personnel is engaged in the execution of any of his or her  
7 official duties, or to prevent the emergency medical  
8 technician - ambulance, emergency medical technician -  
9 intermediate, emergency medical technician - paramedic,  
10 ambulance driver, physician, physician assistant, nurse,  
11 advanced practice nurse, or other medical assistance or  
12 first aid personnel from performing his or her official  
13 duties, or in retaliation for the emergency medical  
14 technician - ambulance, emergency medical technician -  
15 intermediate, emergency medical technician - paramedic,  
16 ambulance driver, physician, physician assistant, nurse,  
17 advanced practice nurse, or other medical assistance or  
18 first aid personnel performing his or her official duties;

19 (6) Discharges a firearm in the direction of a vehicle  
20 he or she knows to be occupied by an emergency medical  
21 technician - ambulance, emergency medical technician -  
22 intermediate, emergency medical technician - paramedic,  
23 ambulance driver, physician, physician assistant, nurse,  
24 advanced practice nurse, or other medical assistance or  
25 first aid personnel, employed by a municipality or other  
26 governmental unit, while the emergency medical technician

1 - ambulance, emergency medical technician - intermediate,  
2 emergency medical technician - paramedic, ambulance  
3 driver, physician, physician assistant, nurse, advanced  
4 practice nurse, or other medical assistance or first aid  
5 personnel is engaged in the execution of any of his or her  
6 official duties, or to prevent the emergency medical  
7 technician - ambulance, emergency medical technician -  
8 intermediate, emergency medical technician - paramedic,  
9 ambulance driver, physician, physician assistant, nurse,  
10 advanced practice nurse, or other medical assistance or  
11 first aid personnel from performing his or her official  
12 duties, or in retaliation for the emergency medical  
13 technician - ambulance, emergency medical technician -  
14 intermediate, emergency medical technician - paramedic,  
15 ambulance driver, physician, physician assistant, nurse,  
16 advanced practice nurse, or other medical assistance or  
17 first aid personnel performing his or her official duties;

18 (7) Discharges a firearm in the direction of a person  
19 he or she knows to be a teacher or other person employed in  
20 any school and the teacher or other employee is upon the  
21 grounds of a school or grounds adjacent to a school, or is  
22 in any part of a building used for school purposes;

23 (8) Discharges a firearm in the direction of a person  
24 he or she knows to be an emergency management worker while  
25 the emergency management worker is engaged in the execution  
26 of any of his or her official duties, or to prevent the

1 emergency management worker from performing his or her  
2 official duties, or in retaliation for the emergency  
3 management worker performing his or her official duties; or

4 (9) Discharges a firearm in the direction of a vehicle  
5 he or she knows to be occupied by an emergency management  
6 worker while the emergency management worker is engaged in  
7 the execution of any of his or her official duties, or to  
8 prevent the emergency management worker from performing  
9 his or her official duties, or in retaliation for the  
10 emergency management worker performing his or her official  
11 duties.

12 (b) A violation of subsection (a)(1) or subsection (a)(2)  
13 of this Section is a Class 1 felony. A violation of subsection  
14 (a)(1) or (a)(2) of this Section committed in a school, on the  
15 real property comprising a school, within 1,000 feet of the  
16 real property comprising a school, at a school related activity  
17 or on or within 1,000 feet of any conveyance owned, leased, or  
18 contracted by a school to transport students to or from school  
19 or a school related activity, regardless of the time of day or  
20 time of year that the offense was committed is a Class X  
21 felony. A violation of subsection (a)(3), (a)(4), (a)(5),  
22 (a)(6), (a)(7), (a)(8), or (a)(9) of this Section is a Class X  
23 felony for which the sentence shall be a term of imprisonment  
24 of no less than 10 years and not more than 45 years.

25 (c) For purposes of this Section:

26 "School" means a public or private elementary or secondary

1 school, community college, college, or university.

2 "School related activity" means any sporting, social,  
3 academic, or other activity for which students' attendance or  
4 participation is sponsored, organized, or funded in whole or in  
5 part by a school or school district.

6 (Source: P.A. 94-243, eff. 1-1-06.)

7 (720 ILCS 5/24-1.2-5)

8 Sec. 24-1.2-5. Aggravated discharge of a machine gun or a  
9 firearm equipped with a device designed or used for silencing  
10 the report of a firearm.

11 (a) A person commits aggravated discharge of a machine gun  
12 or a firearm equipped with a device designed or used for  
13 silencing the report of a firearm when he or she knowingly or  
14 intentionally:

15 (1) Discharges a machine gun or a firearm equipped with  
16 a device designed or used for silencing the report of a  
17 firearm at or into a building he or she knows to be  
18 occupied and the machine gun or the firearm equipped with a  
19 device designed or used for silencing the report of a  
20 firearm is discharged from a place or position outside that  
21 building;

22 (2) Discharges a machine gun or a firearm equipped with  
23 a device designed or used for silencing the report of a  
24 firearm in the direction of another person or in the  
25 direction of a vehicle he or she knows to be occupied;

1           (3) Discharges a machine gun or a firearm equipped with  
2           a device designed or used for silencing the report of a  
3           firearm in the direction of a person he or she knows to be  
4           a peace officer, a person summoned or directed by a peace  
5           officer, a correctional institution employee, or a fireman  
6           while the officer, employee or fireman is engaged in the  
7           execution of any of his or her official duties, or to  
8           prevent the officer, employee or fireman from performing  
9           his or her official duties, or in retaliation for the  
10          officer, employee or fireman performing his or her official  
11          duties;

12          (4) Discharges a machine gun or a firearm equipped with  
13          a device designed or used for silencing the report of a  
14          firearm in the direction of a vehicle he or she knows to be  
15          occupied by a peace officer, a person summoned or directed  
16          by a peace officer, a correctional institution employee or  
17          a fireman while the officer, employee or fireman is engaged  
18          in the execution of any of his or her official duties, or  
19          to prevent the officer, employee or fireman from performing  
20          his or her official duties, or in retaliation for the  
21          officer, employee or fireman performing his or her official  
22          duties;

23          (5) Discharges a machine gun or a firearm equipped with  
24          a device designed or used for silencing the report of a  
25          firearm in the direction of a person he or she knows to be  
26          an emergency medical technician - ambulance, emergency

1 medical technician - intermediate, emergency medical  
2 technician - paramedic, ambulance driver, physician,  
3 physician assistant, nurse, advanced practice nurse, or  
4 other medical assistance or first aid personnel, employed  
5 by a municipality or other governmental unit, while the  
6 emergency medical technician - ambulance, emergency  
7 medical technician - intermediate, emergency medical  
8 technician - paramedic, ambulance driver, physician,  
9 physician assistant, nurse, advanced practice nurse, or  
10 other medical assistance or first aid personnel is engaged  
11 in the execution of any of his or her official duties, or  
12 to prevent the emergency medical technician - ambulance,  
13 emergency medical technician - intermediate, emergency  
14 medical technician - paramedic, ambulance driver,  
15 physician, physician assistant, nurse, advanced practice  
16 nurse, or other medical assistance or first aid personnel  
17 from performing his or her official duties, or in  
18 retaliation for the emergency medical technician -  
19 ambulance, emergency medical technician - intermediate,  
20 emergency medical technician - paramedic, ambulance  
21 driver, physician, physician assistant, nurse, advanced  
22 practice nurse, or other medical assistance or first aid  
23 personnel performing his or her official duties;

24 (6) Discharges a machine gun or a firearm equipped with  
25 a device designed or used for silencing the report of a  
26 firearm in the direction of a vehicle he or she knows to be

1 occupied by an emergency medical technician - ambulance,  
2 emergency medical technician - intermediate, emergency  
3 medical technician - paramedic, ambulance driver,  
4 physician, physician assistant, nurse, advanced practice  
5 nurse, or other medical assistance or first aid personnel,  
6 employed by a municipality or other governmental unit,  
7 while the emergency medical technician - ambulance,  
8 emergency medical technician - intermediate, emergency  
9 medical technician - paramedic, ambulance driver,  
10 physician, physician assistant, nurse, advanced practice  
11 nurse, or other medical assistance or first aid personnel  
12 is engaged in the execution of any of his or her official  
13 duties, or to prevent the emergency medical technician -  
14 ambulance, emergency medical technician - intermediate,  
15 emergency medical technician - paramedic, ambulance  
16 driver, physician, physician assistant, nurse, advanced  
17 practice nurse, or other medical assistance or first aid  
18 personnel from performing his or her official duties, or in  
19 retaliation for the emergency medical technician -  
20 ambulance, emergency medical technician - intermediate,  
21 emergency medical technician - paramedic, ambulance  
22 driver, physician, physician assistant, nurse, advanced  
23 practice nurse, or other medical assistance or first aid  
24 personnel performing his or her official duties;

25 (7) Discharges a machine gun or a firearm equipped with  
26 a device designed or used for silencing the report of a

1 firearm in the direction of a person he or she knows to be  
2 an emergency management worker while the emergency  
3 management worker is engaged in the execution of any of his  
4 or her official duties, or to prevent the emergency  
5 management worker from performing his or her official  
6 duties, or in retaliation for the emergency management  
7 worker performing his or her official duties; or

8 (8) Discharges a machine gun or a firearm equipped with  
9 a device designed or used for silencing the report of a  
10 firearm in the direction of a vehicle he or she knows to be  
11 occupied by an emergency management worker while the  
12 emergency management worker is engaged in the execution of  
13 any of his or her official duties, or to prevent the  
14 emergency management worker from performing his or her  
15 official duties, or in retaliation for the emergency  
16 management worker performing his or her official duties.

17 (b) A violation of subsection (a) (1) or subsection (a) (2)  
18 of this Section is a Class X felony. A violation of subsection  
19 (a) (3), (a) (4), (a) (5), (a) (6), (a) (7), or (a) (8) of this  
20 Section is a Class X felony for which the sentence shall be a  
21 term of imprisonment of no less than 12 years and no more than  
22 50 years.

23 (c) For the purpose of this Section, "machine gun" has the  
24 meaning ascribed to it in clause (i) of paragraph (7) of  
25 subsection (a) of Section 24-1 of this Code.

26 (Source: P.A. 94-243, eff. 1-1-06.)